

STATE OF SOUTH CAROLINA

(Caption of Case)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET/NDI

NUMBER: 2018 - 77 - T

(Please type or print)

Submitted by: Lessie Hammonds

SC Bar Number: 15562

Address: 1401 Main Street

Telephone: 803-737-0803

Suite 900

Fax:

Columbia, SC 29201

Other:

Email: lhammon@regstaff.sc.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

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2018-77-T
274833

ACCEPTED FOR PROCESSING - 2018 March 6 3:21 PM - SCPSC - 2017-151-T - Page 2 of 11
ELECTRONICALLY FILED - 2018 March 6 12:50 PM - SCPSC - Docket # 2018-77-T - Page 1 of 1



1401 Main Street, Suite 900
Columbia, SC 29201

Phone (803) 737-0800
www.regulatorystaff.sc.gov

lhammon@regstaff.sc.gov

C. Lessie Hammonds
Counsel for ORS

3-6-18

March 6, 2018

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Petition of the South Carolina Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for Failure to Maintain and File Evidence of Insurance
Docket No. 2018- -T
77

Dear Ms. Boyd:

Please find enclosed for this docket, the South Carolina Office of Regulatory Staff's Petition to Revoke certificates of certain motor carriers for failure to maintain and file evidence of insurance.

Sincerely,

C. Lessie Hammonds

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MAR 06 2018

PSC SC
CLERK'S OFFICE

Encl.

cc: All Parties of Record (via U.S. Mail)
Joseph Melchers, Esquire (via U.S. Mail)

274833

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018-⁷⁷-T

| | | |
|--|----------------------------------|--|
| <p>IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance</p> | <p>)))))</p> | <p>PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN MOTOR CARRIERS</p> |
|--|----------------------------------|--|

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq.* (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as "motor vehicle carriers" as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq.* (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.” 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are “aware of the commission's insurance requirements and the costs associated therewith.” 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission’s order granting authority, the certificate, and any license issued to the motor carrier...” 10 S.C. Code Ann. Regs. 103-175 (2012); further, that “the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full force

and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

9. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria....” 10 S.C. Code Ann. Regs. 103-240 (2012).

10. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.” S.C. Code Ann. § 58-23-320 (2015).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803)737-0800
Fax: (803)737-0895
Email: lhammon@regstaff.sc.gov

March 6, 2018
Columbia, South Carolina

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Exhibit A - Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance

March 6, 2018

Docket No. _____

EXHIBIT A
Page 1 of 1

| No. | Docket # | Cert Type | NAME | DBA | ADDRESS | CITY | STATE | ZIP CODE |
|-----|------------|---------------------|----------------------------------|----------------------------------|----------------------------|---------------|-------|----------|
| 1 | 2016-158-T | Class C Non-Emer | Access Medical Transport LLC | | 1465 Old Gunter Rd | Piedmont | SC | 29673 |
| 2 | 2016-83-T | Class E HHG | AJ & Sons Moving Pro's, LLC | | 935 Long Point Rd | Mt Pleasant | SC | 29464 |
| 3 | 2013-157-T | Class C Taxi | Alifoncio Solis Santiago | Taxi Express | 416 N Jennings St | Saluda | SC | 29138 |
| 4 | 2017-81-T | Class C Non-Emer | ALM Transportation LLC | | 422 Lawson Rd | Darlington | SC | 29532 |
| 5 | 2009-365-T | Class C Charter Bus | Bill R. Burch | Carolina Easy Ride | 2657 Saluda Dam Rd | Easley | SC | 29640 |
| 6 | 2014-249-T | Class C Taxi | Boss Transportation L.L.C. | | 1200 Landau Ln | Mt Pleasant | SC | 29466 |
| 7 | 2015-107-T | Class C Charter Bus | Charleston Party Pro's LLC | | 1405 Saratoga Ct | N Charleston | SC | 29420 |
| 8 | 2016-151-T | Class C Charter Bus | Coffield's Charter and Tour, LLC | | 7419 Powell Rd | Georgetown | SC | 29440 |
| 9 | 2015-405-T | Class C Taxi | Connie F. Mitchell | | 2037 Rolling Hills Rd | Columbia | SC | 29210 |
| 10 | 14749 | Class C Taxi | David Conner, Jr. | | 641 Lodge St | Marion | SC | 29571 |
| 11 | 2016-344-T | Class C Charter | Dream Classic Rentals LLC | | 237 Ponderosa Dr | Ladson | SC | 29456 |
| 12 | 1999-441-T | Class C Taxi | Eddie J. Pinckney | | 1903 Emanuel St | Georgetown | SC | 29440 |
| 13 | 2013-459-T | Class C Charter | Grand Strand Limousine LLC | | 926 Iris St Unit B | Myrtle Beach | SC | 29577 |
| 14 | 2014-290-T | Class C Taxi | Hafida El Gattoui | Adam's Taxi | 4070 Halyard Way | Myrtle Beach | SC | 29579 |
| 15 | 2013-160-T | Class C Charter | Henry Hughes, Jr. | Peninsula Limo & Shuttle Company | 225 7th Ave | Mt Pleasant | SC | 29464 |
| 16 | 2010-25-T | Class C Taxi | Jerry B. Fordham | | 2166 Victory Ln | N Charleston | SC | 29406 |
| 17 | 2017-151-T | Class C Charter | Jerry Gasper | Prestige Shuttle | 11467 Heritage Hwy | Bamberg | SC | 29003 |
| 18 | 2010-222-T | Class C Charter | Lakeside Limousine LLC | | 2012 Stone Quarter Ct | York | SC | 29745 |
| 19 | 1998-591-T | Class C Charter Bus | Lancaster Tours, Inc. | | 2321 Airport Rd | Lancaster | SC | 29720 |
| 20 | 2015-397-T | Class C Charter | Lancaster Tours, Inc. | | 2321 Airport Rd | Lancaster | SC | 29720 |
| 21 | 2017-195-T | Class C Taxi | Marlo Reil Davis | SC Express Cab and Courier | 819 North Broad St | Clinton | SC | 29325 |
| 22 | 2013-273-T | Class C Taxi | Michael Barnes | M & L Taxi | 2111 B Rebecca St | N Charleston | SC | 29406 |
| 23 | 2017-64-T | Class C Non-Emer | PBB Charleston, LLC | Charleston Med Trans | 402 Leamington Way | Irmo | SC | 29063 |
| 24 | 2014-472-T | Class E HHG | Riley & Sons Moving Company, LLC | | PO Box 1061 | Mt Pleasant | SC | 29464 |
| 25 | 2010-188-T | Class C Charter | Royal Limousine, LLC | | 18330 McKee Rd | Charlotte | NC | 28278 |
| 28 | 2007-226-T | Class E HHG | The Blu Line Group, Inc. | Movers and Groovers | 1064 Gardner Rd Ste 101 | Charleston | SC | 29407 |
| 29 | 2014-168-T | Class C Charter Bus | The Love Bus, Inc. | | 1737 N Main St Lot 2 | Summerville | SC | 29483 |
| 30 | 2012-288-T | Class C Charter | The Midtown Group, LLC | | 1406 Monitor St | N Charleston | SC | 29405 |
| 31 | 2017-144-T | Class C Charter | Vantya Shine | New Wave Express Transit of SC | 176 Gausetown Rd | Kingstree | SC | 29556 |
| 32 | 2009-219-T | Class C Taxi | Wade M. Whittaker | Wade's World Cab | 636 River Oaks Dr Apt 49-A | Myrtle Beach | SC | 29579 |
| 33 | 2008-150-T | Class C Charter Bus | White Brother's Tours, LLC | | 420 Silver Lane | Moncks Corner | SC | 29461 |
| 34 | 1999-449-T | Class C Taxi | Willie N. Rembert, Sr. | | 947 Unity Court | Sumter | SC | 29153 |
| 35 | 2010-82-T | Class C Taxi | Yellow Van Taxi, LLC | | 4351 Walton St | N Charleston | SC | 29418 |

Exhibit B

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____

March 6, 2018

IN RE: Petition of the Office of Regulatory Staff to Revoke
Certificates of Public Convenience and Necessity of
Certain Motor Carriers for Failure to Maintain and
File Evidence of Insurance

AFFIDAVIT OF
CAROLE CHAUVIN

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On March 6, 2018, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012) has not been filed with ORS by the following carriers as of March 6, 2018: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 6th day of March, 20 18

Hance

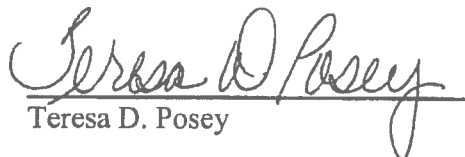
Notary Public for South Carolina
My Commission Expires: 10/16/2027

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018- -T

IN RE: Petition of the Office of Regulatory Staff to)
Revoke Certificates of Public Convenience)
and Necessity of Certain Motor Carriers) **CERTIFICATE OF SERVICE**
For Failure to Maintain and File Evidence)
of Insurance)

This is to certify that I, Teresa D. Posey, have this date served one (1) copy of the **ORS PETITION TO REVOKE FOR FAILURE TO MAINTAIN AND FILE EVIDENCE OF INSURANCE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE FIND LIST OF PARTIES SERVED ON THE FOLLOWING PAGES]


Teresa D. Posey

March 6, 2018
Columbia, South Carolina

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Exhibit A - Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance

March 6, 2018

Docket No. _____

EXHIBIT A
Page 1 of 1

| No. | Docket # | Cert Type | NAME | DBA | ADDRESS | CITY | STATE | ZIP CODE |
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| 35 | 2010-82-T | Class C Taxi | Yellow Van Taxi, LLC | | 4351 Walton St | N Charleston | SC | 29418 |